

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

UNITED STATES OF AMERICA

) CR. NO.: 3:19-4
) 33 U.S.C. § 1319(c)(2)
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)
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)
)

v.

MICHAEL GREENE

INDICTMENT

COUNT 1

THE GRAND JURY CHARGES:

Background

1. At all times material herein, the Leesburg Branch Creek was a water of the United States located in or near Eastover, South Carolina.

2. Defendant MICHAEL GREENE was a driver for A&D Environmental, Inc. ("A&D"), a "full-service environmental solutions" company with a branch in South Carolina. Waste management is among the services offered by A&D.

3. Northeast Landfill was a subtitle-D solid waste landfill near Leesburg Branch Creek. Republic Services operated Northeast Landfill. Republic Services contracted with A&D to remove leachate waste from Northeast Landfill two to three times per day. The leachate waste was to be taken to the Florence (S.C.) Regional Wastewater Management Facility.

4. Tanker trucks have a capacity of approximately 5,800 gallons.

Summary of CWA Requirements

5. The Federal Water Pollution Act, 33 U.S.C. § 1251, et seq., more commonly known as the Clean Water Act ("CWA"), was enacted by Congress to restore and maintain the chemical, physical, and biological quality of the nation's waters. See 33 U.S.C. § 1251(a).

6. The United States Environmental Protection Agency ("U.S. EPA") is an agency of the United States government responsible for carrying out federal laws and regulations related to the protection of human health and the environment, including the CWA. See 33 U.S.C. § 1251(d).

7. The CWA generally requires a permit for all discharges of pollutants from point sources to waters of the United States. See 33 U.S.C. § 1311(a). Such permits are issued under the National Pollutant Discharge Elimination System ("NPDES"). See 33 U.S.C. § 1342. Except in compliance with such a permit, the discharge of any pollutant by any person is unlawful. See 33 U.S.C. § 1311(a).

8. The term "pollutant" is broadly defined under the CWA to include "dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water." See 33 U.S.C. § 1362(6).

9. A "point source" means "any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure,

container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged." See 33 U.S.C. § 1362(14).

10. "Waters of the United States" is defined to include intrastate lakes, rivers, and streams, including intermittent streams, the use, degradation, or destruction of which would or could affect interstate or foreign commerce. See 40 C.F.R. § 122.2.

Unpermitted Discharges

11. At least between May and July 2017, approximately two to three times per week and typically in the morning, MICHAEL GREENE discharged leachate into the Leesburg Branch Creek, near the intersection of Leesburg Road and S.C. Highway 601 in Eastover, South Carolina.

12. MICHAEL GREENE typically loaded his truck with leachate from Republic Services' Westvaco Road location around 5:30 a.m. The Florence wastewater treatment plant was approximately an hour and a half away. MICHAEL GREENE picked up his last load from Republic Services around 1:30 or 2:00 p.m. MICHAEL GREENE's work day concluded at 5:30 p.m.

13. At least five times between May and July 2017, MICHAEL GREENE discharged leachate into Leesburg Branch Creek by backing his truck into the area off Westvaco Road in Eastover, South Carolina, hooking a hose up to the back of his truck, and allowing the leachate to flow into the Creek. This took approximately fifteen to twenty minutes.

14. Samples of the leachate reveal lead, mercury, selenium, cadmium, and chromium.

COUNT 1

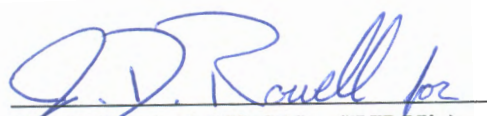
15. From in or about May 2017, through in or about July 2017, on numerous occasions in the District of South Carolina, Defendant, MICHAEL GREENE, knowingly discharged and caused the discharge of a pollutant from a point source into a water of the United States, without a NPDES permit, specifically, Defendant, MICHAEL GREENE, discharged and caused the discharge of waste liquids, which ultimately flowed into the Leesburg Branch Creek in Eastover, South Carolina,

All in violation of Title 33, United States Code, Section 1319(c)(2)(A).

A _____ True _____ Bill



FOREPERSON


SHERRI A. LYDON (WDHjr)
UNITED STATES ATTORNEY